MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1994

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ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE BILL SUMMARIES

MAY 1994

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	*Chapter # of enacted Public Law*
P&S XXX	*Chapter # of enacted Private & Special Law*
RESOLVE XXX	*Chapter # of enacted Resolve*
CON RES XXX	*Chapter # of Constitutional Resolution passed by both Houses*
EMERGENCY	*Enacted law takes effect sooner than 90 days*
ONTP	*Ought Not to Pass report accepted*
INDEF PP	*Bill Indefinitely Postponed*
FAILED ENACTMENT	*Bill failed to get majority vote*
FAILED EMERGENCY ENACTMENT	*Emergency bill failed to get 2/3 vote*
FAILED MANDATE ENACTMENT	*Bill imposing local mandate failed to get 2/3 vote*
DIED BETWEEN BODIES	*House & Senate disagree; bill died*
CONF CMTE UNABLE TO AGREE	*Committee of Conference unable to agree; bill died*
VETO SUSTAINED	*Legislature failed to override Governor's Veto*
UNSIGNED	*Not signed by Governor within 10 days*
DIED ON ADJOURNMENT	*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

LD 1812 An Act Amending the Discovery Rule for Damage Resulting from the Placement of Foreign Objects in the Human Body

ONTP

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
FARNSWORTH	ONTP	MAJ	
	OTP-AM	MIN	

SUMMARY

The bill would have amended the discovery rule for professional negligence actions for a foreign object left in a body by including a chemical compound, prosthetic aid or an object intentionally implanted or permitted to remain in the patient's body. One focus of the bill was TMJ implants.

COMMITTEE AMENDMENT "A" (H-959) was the Minority Report. It replaced the bill. It reformatted the current law to make it easier to read and retained current law regarding the definition of foreign objects and the applicable statute of limitations except when the provider of the health care or professional services was negligent in informing the patient of the risks involved. A provider's negligence in informing a patient of the risks would be determined by the information provided at the time of the decision to leave the implant or other foreign object in the body of the patient as judged against the standard of care relating to the provision of information in existence at that same time. This change in the law was intended to be prospective only.

LD 1818 An Act Regarding the Rights of Grandparents in Child Protection Proceedings

PUBLIC 697

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED	
BAILEY H	OTP-AM	H-938	
		S-544	CONLEY

SUMMARY

The bill provided that when the Department of Human Services is placing a child in a foster home, the department must place the child in that child's grandparent's home if the grandparent's home is licensed as a family foster home, unless doing so is not in the child's best interest. If the department determines that placing the child in the grandparent's home would not be in the child's best interest, then the department must provide a written explanation to the grandparent. The bill also expanded the definition of "family foster home" to allow grandparents' homes to be licensed as family foster homes for their grandchildren.

COMMITTEE AMENDMENT "A" (H-938) replaces the bill. It requires a court to grant standing and intervenor status to a grandparent if:

1. The grandparent has an existing relationship or has made sufficient effort to establish a relationship with the child; and

2. The status would be in the best interests of the child and would be consistent with the purposes of the child protective laws.

If the court grants standing and intervenor status, a grandparent may request that the child be placed with the grandparent and the court is required to give the grandparent priority in placement if it is in the best interests of the child and consistent with the purposes of the child protective laws.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-544) clarifies that if a child is placed with the grandparent and the child is in jeopardy in the grandparent's home, the Department of Human Services can remove the child without going through another court proceeding. This language was intended to be included in the committee amendment, but was inadvertently omitted.